

MINUTES OF THE THIRD MEETING OF THE PUBLIC SAFETY NATIONAL COORDINATION COMMITTEE

Date/Time: Friday, September 24, 1999; Meeting commenced at 1:30 p.m.

Address: The Holiday Inn -- Lansing West Conference Center
6501 W. Saginaw Highway
Lansing, Michigan 48917

Participants: See attached list

- **Kathleen Wallman**, National Coordination Committee ("NCC") Chair, convened the third meeting of the NCC. She said the purpose in convening the NCC was to discuss how to improve interoperability of law enforcement and emergency medical and other first-responder radio systems in case of an emergency and day-to-day use. Ms. Wallman dispensed with introductory remarks but thanked those present and the Public Safety Wireless Network ("PSWN"), which furnished some of the facilities used for the NCC meeting. Ms. Wallman then called for reports from the NCC subcommittees.

- *NCC Subcommittee Reports*

Interoperability Subcommittee Report John Powell, Chair, presented a report from the Subcommittee's Working Group Number Five, saying their recommendations were derived from discussions held over the last two days and that consensus of the subcommittee had been achieved on the recommendations in the report. He handed the report to Ms. Wallman, saying he gave copies earlier to all members present. He pointed out that the Subcommittee referenced some other deliverables in the report which required participation by the other subcommittees before they could be completed. He expected a quicker pace of the efforts by the Subcommittee and its working groups due to better list server efficiency. Mr. Powell said the Committee's intention is to meet in connection with other meetings, such as the upcoming PSWN meeting in Florida in December, stating that in-person efforts are more efficient than working through the list servers or using conference calls. Mr. Powell expressed his intention to take all NCC documents generated to date and renumber them for distribution to the subcommittee. He expressed appreciation for any input/feedback as his Subcommittee moved forward; and, in response to Ms. Wallman, said that if in-person attendance at informal meetings was not convenient, participation by telephone conference calls would be attempted. Ms. Wallman thanked Mr. Powell for the report, thanked those who assisted him, and thanked Dave Buchanan as Chair of the Work Group for preparing the report. There were no questions from any attendees for Mr. Powell.

Implementation Subcommittee Report. Richard DeMello, Second Vice Chair, presenting the report in the absence of Ted Dempsey, Subcommittee Chair, said the Subcommittee first reviewed the June minutes, discussed the number plan sent by Mr. Powell (which the Subcommittee would use) and discussed milestones. Mr. DeMello said that not all of the milestones were listed, and indicated that the Subcommittee would not have the whole process completed by February 2000. However as many milestones as possible would be reached with the guidance of the NCC. Mr. DeMello stated that the subcommittee discussed rewriting the tasks assigned to the Working Groups, that there were about 12 tasks at the outset, and that they were readjusted and placed under various Working Groups for better reorganization. He said the first Working Group report was given by Dave Eierman of Motorola, who spoke about DTV blockage, using a number of slides. He said the slides would be sent to Michael Wilhelm, the NCC's Designated Federal Official ("DFO") for retention in the NCC files. He went on to say that what the slides identified were areas where use of various 700 MHz land mobile spectrum was precluded by DTV assignments. Mr. DeMello indicated that at the next meeting, Mr. Eierman would identify different engineering criteria that might be

used to identify areas in which 700 MHz public safety operations and DTV stations could coexist. He said that he would contact the Federal Communications Commission ("FCC") to find out about the latest licenses and obtain information on TV stations that have relocated and thus do not appear to pose a problem for land mobile licensees. He noted Hawaii was interested in research being done on land mobile spectrum availability. Tom Tolman of the National Law Enforcement and Correction Technology Center - Rocky Mountain Region ("NLECTC"), in the absence of Ali Shahnam, gave the presentation of the next Working Group. This work consisted of: distributing the minutes from the Group's meeting in Minnesota; discussing a comparison between Project 25 and TETRA; and discussion regarding NIJ and the relationship between NIJ and NPSTC (*i.e.*, National Public Safety Telecommunications Council) with respect to the development of a common database arena. Mr. DeMello pointed out that NPSTC is developing specifications for a common database for the 700 MHz spectrum and that his Subcommittee would like to see an NCC statement to the FCC recommending that the Regional Planning Committees ("RPCs") be required to use the common database in their planning processes. He added that the majority of the Subcommittee's time was spent with Fred Griffin's group regarding planning and policies, including determining the optimum number of mobiles per frequency or ascertaining the number of channels needed based on numbers of mobiles, nature of activities, etc. The subcommittee also discussed system implementation (*i.e.*, getting a license and monitoring its implementation); and discussion of the Booz, Allen and Hamilton report regarding regional plans. Ms. Wallman said there were some TETRA-related materials that were looked at today, that the Steering Committee expressed interest in looking at those documents, and asked if Mr. DeMello could make them available. Mr. DeMello said he would have them copied and distributed.

Technology Subcommittee Report. Glen Nash, Chair, said Don Pfohl gave the subcommittee a report on receiver standards; that Mr. Pfohl contacted TIA about obtaining documents on receiver performance; and that there was discussion on two levels of identified receiver performance for possible adoption. Mr. Nash said extensive discussion ensued on interoperability standards, looking at two candidate systems, namely -- Project 25 and TETRA. He noted that most subcommittee members favored one technology but some expressed concerns about making a premature decision, especially given that the Subcommittee published its intent to make a decision at the upcoming November meeting; and that he expected a consensus decision to be reported to the NCC at that meeting. Mr. Nash said a list of 18 criteria or questions for individuals and manufacturers to address concerning the two technologies were developed, that the responses will be disseminated via e-mail on the List Server, and that analysis of a consensus opinion hopefully would be presented at the November meeting. Mr. Nash said that the final issue, trunking, did not have much discussion in his Subcommittee but was raised more as a result of the decision made in Mr. Powell's Subcommittee meeting. He said that the Technology Subcommittee needs to consider whether it should recommend that the interoperability channels be regrouped to allow a TETRA-type system. He also raised the possibility that the Regional Planning Committees could identify general use channels that could be paired with the interoperability channels to form channel groups with four contiguous channels. Mr. Nash said this issue will be a task for the Subcommittee's Spectrum Working Group. (During Mr. Nash's presentation, Mr. DeMello handed the aforementioned TETRA information to the Steering Committee members.)

In response to a question from Ms. Wallman, Mr. Nash said there is a Project 25 meeting scheduled in Boulder, Colorado, at the end of October, when both Ericsson and TETRA proponents are scheduled to make presentations to the Project 25 Committee, with the decision there being whether or not Project 25 will establish tracks for either a two-slot and/or four-slot TDM version of the Project 25 standard. In response to audience member questions, and those from Ms. Wallman, Mr. Nash said that, regardless of the outcome at the Project 25 meeting, his Subcommittee will have the answers to the 18 questions (in the

matrix) from which the Subcommittee could better ascertain which of the two systems appears better. He stated that the sooner comments or suggestions are received (regarding the 18 questions), the sooner the subcommittee could come to a decision. Further, Mr. Nash said that "yes/no" answers to the matrix questions would be preferable to narrative answers. Harlin McEwen emphasized the importance of promptness in making responses, and Mr. Nash stated that any additions or comments about the criteria should be submitted to the List Server no later than two weeks from today's NCC meeting, so everybody can see them and respond; and that his Subcommittee intends to make the decision in the November meeting.

John Powell noted he had omitted an item he wanted to bring to the NCC's Steering Committee's attention, *i.e.* that he would be forwarding to the Steering Committee for consideration a modification unanimously approved by his Subcommittee pertaining to conforming terminology in the Subcommittee's statement of work to the terminology used in the PSWAC Final Report. Ms. Wallman reiterated that the NCC should be guided, where appropriate, by the PSWAC Report's conclusions.

Ms. Wallman said that several people had apprised her of matters that they wanted to raise on the record. She said that a request was made by two of the NCC's co-sponsors to have a letter from the State of Wisconsin on federal access to spectrum be read into the record, and she requested that Michael Wilhelm, DFO, read the letter. Mr. Wilhelm read into the record a one-page letter, dated September 22, 1999, addressed to Ms. Wallman from the State of Wisconsin (signed by David A. Hewitt, Director Bureau of Communications, Wisconsin Department of Transportation). The letter stated that Wisconsin supports the Federal Law Enforcement Wireless Users Group ("FLEWUG") request for federal co-equal access to non-federal spectrum in the 746 MHz to 806 MHz frequency band, and provided Wisconsin's reasons for its support.

Steve Proctor, Executive Director of the Utah Communications Agency Network and Executive Vice Chair of the PSWN Committee, said PSWN supports FLEWUG's position on co-equal access and believes federal users should be afforded eligibility on these (*i.e.*, 800 MHz) channels on a secondary basis to achieve interoperability with the States. He noted that in light of the disaster (*i.e.*, tornado) that recently struck Salt Lake City, interoperability had to be emphasized. He related his personal experience in preparing for the Olympics in Utah, and said that some federal, state, and local entities indicated their intent to operate on different frequency bands in a manner that would make interoperability difficult if not impossible. However, there is not a move toward most of the State and local government entities' operating in the 800 MHz band on a combined system, which will alleviate the problem of lack of interoperability. Mr. Proctor said PSWN endorses the sharing of this spectrum with the Federal government on a secondary basis to facilitate interoperability.

Harlin McEwen, FBI, saying he was speaking with 38 years' experience in state and local law enforcement, supported Mr. Proctor's comments. He said that there was a particular need for more coordination between law enforcement, fire, and EMS (*i.e.*, Emergency Medical Services), and that the same considerations (*i.e.*, the need for sharing arrangements) apply to the federal sector. Thus, on behalf of the IACP (*i.e.*, International Association of Chiefs of Police), he supported Mr. Proctor's proposal.

Larry Miller, American Association of State Highway and Transportation Officials (an FCC-certified frequency coordinator) sought clarification, saying Mr. Proctor talked in terms of the federal government's wanting access both on a co-primary basis and on a secondary basis. Mr. Proctor, in response, stated that "co-equal access" does not mean federal-only communications systems; does not mean primary user status; does not mean eminent domain by the federal government; and does not mean licensing of non-federal

spectrum to federal entities. Rather, he said, it means a cooperative partnership between state, local, and federal users to achieve interoperability.

Rick Murphy, Co-Chair of FLEWUG, in response to Mr. Miller's question asking if co-equal federal access would be limited to the interoperability channels answered that it was not but that access to interoperability and other channels should be on the basis of memoranda of understanding between federal and state entities. He stated that if the federal government is going to invest in a system that purportedly has co-equal access, then the Federal taxpayers must have some protection associated with the access, *i.e.*, that the federal government cannot arbitrarily be removed from the system because, *e.g.*, a state requires more coverage or more of the frequency band. Thus, he said the federal government must be treated as a co-equal user of the bandwidth pursuant to agreements with state or local entities.

Ms. Wallman added that there is an element of comfort because – although there is a statutory bar to licensing Federal users on non-Federal spectrum, there also is the recognition that, if investment in shared systems is to be encouraged, federal users cannot arbitrarily be evicted from a shared system. Consequently, she said that the NCC will remain sensitive to this issue and that she is taking under advisement the letter from Wisconsin and Mr. Proctor's and Mr. McEwen's statements.

An audience member identified only as "Richard?" stated that the Forestry Conservation Communications Association would wholeheartedly support Ms. Wallman's position. He said wildfire suppression is very dangerous, is something occurring every day, that there is a need to work more closely than has been done in the past, and that co-equal sharing is desirable on that account.

Art McDole, representative of APCO International, said APCO International has an open membership, many valued partnerships with the federal government, and expresses its wholehearted support to the sharing proposals outlined.

Steven Mueller, St. Louis Police Department, representing Mayor Harmon, said the Missouri National Guard had recognized the need for interoperability between federal, state, and local operations for disaster operations and began trying to find some commonality between those entities, but none could be found. He stated establishing interoperability on the 700 MHz band would satisfy that need and allow interoperability to occur.

Harlin McEwen said that at a meeting in Columbus, Ohio, the previous week, Joe Hinman of the Phoenix Police Department ("Phoenix PD") brought to his attention interference that the Phoenix PD was encountering to its mobile data terminals from a Nextel radio system in Phoenix. Mr. McEwen gave a copy of a one-page summary of the interference matter to Michael Wilhelm, DFO, for the record and then he read the letter into the record. The letter, dated September 15, 1999, was entitled, "Destructive Radio Interference - Phoenix Police Mobile Data System." The letter recited *inter alia* that the Phoenix PD Mobile Data Terminal system was installed in 1993-94 using 821-866 MHz NPSPAC channels with narrow band pairing; that coverage was expanded in 1998; and that in August, 1999, it was discovered that the Phoenix PD was unable to send or receive MDT traffic when their units were in the vicinity of a Nextel tower. Measurements were conducted there, and other Nextel sites, and it was discovered that Nextel stations operating on frequencies between 851 MHz and 865 MHz overwhelmed the low power three-watt MDT transceivers. When the Nextel transmitters were off, the MDT performed normally. The Nextel interference creates a major officer safety problem. Mr. McEwen said the letter reinforced the concerns that Ms. Wallman, as NCC Chair, expressed in a recent letter to the FCC expressing NCC's concern about the possibility of adjacent channel interference to 700 MHz public safety channels.

Dave Buchanan, County of San Bernadino, said the City of Ontario in the County is having a similar interference problem, with three Nextel cell sites appearing to cause interference and that the interference affects portable units in particular. He said that in the new band (*i.e.*, the 700 MHz public safety band) all necessary measures should be taken to avoid similar interference. Among the solutions discussed was the establishment of “buffers” or guard bands to isolate sources of adjacent channel interference.

Mr. McEwen added that he understood that there might be more than one way to deal with this problem and the NCC should consider all options. He added that if there are to be buffers, they should be taken from adjacent, commercial space, not from the 24 MHz of 700 MHz spectrum allocated for public safety use. Acknowledging that the imposition of interference-reducing conditions would not be popular, he nonetheless said the NCC should take a position on this matter early on.

Ron Haraseth, APCO International, said the Nextel incident is just one of several nationwide of which APCO has been aware in its interference work, and it shows the need to be very careful about what is done in the 700 MHz band. He said about one and one-half months ago, several APCO members, including Joe Hanna and himself, visited several FCC commissioners to make them aware of the need to protect channels 60, 64, 68, and 69, including the need to place compatible services on the frequencies that are immediately adjacent to these channels. Mr. Haraseth suggested that the NCC explore this matter further in discussions with the FCC and other agencies and associations.

Ms. Wallman said the letter she sent to the FCC pointed out that the FCC’s actions in establishing the 700 MHz public safety band could be for nought if adequate attention were not paid to potential interference from adjacent bands. She said that based on Mr. McEwen’s remarks, it might be time for the NCC to be more active and more specific with the FCC to ensure that the problem is not overlooked in the enthusiasm to transition to DTV. She added that her letter is part of the docket in the relevant proceeding, and that the letter will be posted on the NCC Web Page.

Marilyn Ward, said the NPSTC wrote to Ms. Wallman about a pre-coordination, pre-allocation type of database to be used by the RPCs. Ms. Ward said the database’s purpose was to ensure that RPCs coordinate in the assignment of channels so that there are no interference conflicts along the borders of the regions. Ms. Ward said NPSTC asked NLECTC (Tom Tolman’s group) if it would support development and administration of a common database for use by the RPCs. Ms. Ward said that NPSTC developed a flow chart of information regarding frequency coordinators and that NPSTC has asked the NCC to support the development and use of this database by all Regions. In response to a question from Ms. Wallman, Ms. Ward said that the matter would be addressed by one of the Working Groups of the Implementation Subcommittee. In response to a question from Mr. McEwen, Ms. Wallman said she thought no action need be taken by the NCC today but that the matter should be vetted through the Working Group and Subcommittee structure and then it would become the subject matter of the NCC’s recommendations to the FCC. Ms. Ward agreed and observed that it should happen quickly.

Mr. Robert Schlieman, New York State Police, emphasized the importance of the pre-coordination database and wanted to make sure that everyone, *i.e.*, both the regional planners and frequency coordinators are “playing off the same sheet of music” so there are no disagreements about frequency assignments. Mr. Richard DeMello asked if it would be appropriate for the matter to be on his Subcommittee’s agenda for November, and Mr. McEwen replied that it would be.

- Future Meetings. Ms. Wallman said that the NCC’s first recommendations to the FCC are due the last

week in February, and that the next NCC meeting will be on November 19, in New York City at One Police Plaza, courtesy of Lt. Ted Dempsey. Two NCC meetings are proposed in January because December is quite inconvenient and the two meetings should provide sufficient time for the NCC and its Subcommittees to arrive at the recommendations it must submit to the FCC. Ms. Wallman gave the following schedule of future meeting dates and locations:

- *At New York:* Subcommittees will meet on November 18, 1999; and the NCC will meet on November 19, 1999.
- *At Washington, D.C.:* Subcommittees will meet on January 13, 2000; and the NCC will meet on January 14, 2000.
- *At San Francisco:* Subcommittees will meet on January 27, 2000; and the NCC will meet on January 28, 2000.

Ms. Wallman then introduced Steering Committee member Louise Renne, who has extended the invitation to the NCC to meet in San Francisco in January. Ms. Wallman also noted said one of the NCC's previous open microphone (audience participation) hosts, Paul Fishman, recently became the President's nominee to serve as the U.S. Attorney for the District of New Jersey. Ms. Wallman then opened the floor by inviting anyone to speak about any issues.

· *Public Discussion/Open Microphone (Audience Participation)*

Robert Hlivak, State of Hawaii, revisited the adjacent band issue and said the NCC perhaps could devise technical standards *e.g.*, some type of a performance mask, to alleviate interference. He is concerned that Hawaii will be unable to deploy 700 MHz public safety systems before the Nextel network is in place there. He questioned whether there would be regulatory relief that would require auction-obtained stations to discontinue operation if they interfered with 700 MHz public safety systems. Michael Wilhelm responded that the FCC has received comments and reply comments in the allocation of adjacent spectrum proceeding and that anyone still has the opportunity to make *ex parte* contacts to the FCC in the matter. (Mr. Wilhelm explained what *ex parte* contacts are and said if anyone wanted to submit *ex parte* comments and needed additional information, they could contact him.)

Carlton Wells, State of Florida, requested that when the Subcommittees recommend assigning responsibilities for interoperability channels, *e.g.*, spectrum planning, establishing standards, or developing guidelines for the RPCs, that the NCC does not unintentionally abrogate its responsibility to implement nationwide standards and guidelines.

Mr. McEwen agreed fully, supported Mr. Wells' comments, and said that the issue is one of having a strong national plan without fragmentation in the Regions.

Mr. Rick Murphy said that FLEWUG agreed with Mr. McEwen because a strong national committee is needed and must coordinate among all the RPCs. Marilyn Ward said NPSTC also agreed with that position wholeheartedly.

Ernest Hofmeister said that based on apparent agreement that the NCC needs to protect the band and its desire to be more pro-active, it was unclear to him what steps the NCC will take and how it will be more pro-active. Ms. Wallman responded that there will be an opportunity for discussion on an upcoming

Steering Committee conference call, with information being disseminated on the List Server. She said that in light of her letter pending at the FCC, she planned to call the FCC, saying she has raised the issue and wanting to know what the FCC's plan was on dealing with the matter.

Ron Haraseth, of APCO and as Working Group Leader for the Spectrum Utilization Subcommittee of the Technology Subcommittee, said his Group already has discussed auctioning of bands adjacent to public safety spectrum and the eligibility standards for those bands. He said his working group will continue to explore that issue and has material addressing the interference criteria and levels that it would like applied to the adjacent bands, compatible uses of adjacent bands, and related matters. He hoped the work would be part of the complete NCC report.

Glen Nash, speaking as Chairman of the Technology Subcommittee, thought the interference issue would be within his Subcommittee's responsibility. He said in thinking about the Phoenix interference, what came to mind was that the interference was due to several co-located transmitters and not the result of a single transmitter. He said this means that to mitigate the problem, a rule must be considered regarding the net effect of multiple transmitters at a single site or nearby sites, which, in turn, will not be a simple problem for the FCC to regulate.

Harlin McEwen, addressing his comments to Mr. Nash, said he was thinking of the matter in a slightly different vein as he viewed it more in terms of the NCC's recommending to the FCC that there be a "buffer" on each side of the group of channels that public safety will be using. Mr. McEwen said that all that the NCC wants to do is to protect against any interference that might render the channels ineffective. He said there must be a mechanism providing that if anyone is using, *e.g.*, one and one-half MHz of space on each side of the public safety group, that user must be forewarned that it creates interference to public safety adjacent channels, and it might be forced to change its system or discontinue operation.

Richard DeMello, FCCA, said that many view this interference in relationship to one or two transmitters but that there is a parallel in the manner in which the FCC regulates R.F. radiation exposure, whereby the sum of all contributing transmitters – not only individual transmitters – is considered.

There being no further comments, Ms. Wallman then thanked everyone for attending the meeting, said she looked forward to working with the attendees in bringing matters to fruition in the NCC's first phase in February, 2000, and seeing them at the intervening three meetings, and wished everyone a safe trip home.

(Whereupon the meeting was adjourned at approximately 2:50 p.m., Friday, September 24, 1999.)

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Certified as to accuracy:

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Date: _____